

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figures 2, 3, 6, and 7. These sheets, which include Figures 2, 3, 6, and 7, replace the original sheets that include Figures 2, 3, 6, and 7.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

As discussed in further detail below, paragraphs [0030], [0033], [0034], [0042], [0046], [0047], [0048], [0060], and of the specification have been amended, and paragraph [0026A] has been added. Claims 1, 3, 4, 10, 14, 15, 19 have been amended. Support for the amendments made to the claims may be found throughout the specification and drawings. As discussed in further detail below, Figures 2, 3, 6, and 7 have been amended. No new matter has been added. Reconsideration of this Application and entry of this Amendment are respectfully requested. Upon entry of this Amendment, claims 1-22 remain pending.

Specification Objections

In the Office Action dated August 8, 2006, the specification was objected to because the brief description for Figure 7 was missing. Paragraph [0026A] has been added to include a brief description for Figure 7.

The specification was also objected to because the description of Figure 2 at paragraph [0046] was confusing to the Examiner. The specification has been amended in accordance with the Examiner's suggestion, and Figure 2 has also been amended accordingly.

The specification was also objected to because of "unclear language" contained in paragraph [0034]. The specification has been amended at paragraph [0034] to make the language contained therein more clear.

The specification was also objected to because of inconsistencies contained in paragraphs [0049] and [0055]. Applicants respectfully traverse this objection. The beginning of paragraph [0055] clearly states "In the embodiment shown in FIG. 5,..." Thus, the description contained therein only pertains to the embodiment shown in FIG. 5. The description of FIG. 5 in paragraph [0055] is consistent with FIG. 5, and the description of FIG. 1a and FIG. 4 in paragraph [0049] is consistent with FIGs. 1a and 4. As such, Applicants respectfully submit that there are no inconsistencies contained within paragraphs [0049] and [0055].

In view of the foregoing amendments to the specification and remarks, Applicants respectfully request that all of the objections to the specification be withdrawn.

Drawing Objections

In the Office Action, the drawings were objected to under 37 C.F.R. §1.83(a) for failing to show the details of the second adjacent element as described in the specification at paragraph [0047] and as shown in Figure 2. Figure 2 has been amended in accordance with the Examiner's suggestion.

In addition, the drawings were objected to under 37 C.F.R. §1.84(p)(4) because reference characters were used to designate more than one part in Figures 3 and 4 [sic, in view of the Examiner's comments, Applicants believe that the Examiner meant to refer to Figure 7 rather than Figure 4]. Figures 3 and 7 have been amended in accordance with the Examiner's suggestion.

Figure 6 was also amended to remove one of the "112" references characters and corresponding lead line, as the lead line was pointing to the wrong part.

In view of the amendments made to the drawings, Applicants respectfully submit that the drawings fully comply with 37 C.F.R. §1.83(a) and 37 C.F.R. §1.84(p)(4), and respectfully request that the objection to the drawings be withdrawn.

35 U.S.C. §112 Rejections

In the Office Action, claims 3 and 4 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Claims 3 and 4 have been amended to clarify the language contained therein. Applicants respectfully submit that amended claims 3 and 4 are enabled by the specification, and respectfully request that the rejection to claims 3 and 4 be withdrawn.

In addition, claims 19-22 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Claim 19 has been amended to clarify the language contained therein. Applicants respectfully submit that amended claim 19, as well as claims 20-22, which depend from claim 19, are enabled by the specification, and respectfully request that the rejection to claims 19-22 be withdrawn.

In addition, claims 3 and 4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 4 have been amended in view of the Examiner's comments on page 6 of the Office Action. Applicants respectfully submit that

amended claims 3 and 4 fully comply with 35 U.S.C. §112, second paragraph, and respectfully request that the rejection to claims 3 and 4 be withdrawn.

In addition, claims 19-22 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 has been amended in view of the Examiner's comments on page 7 of the Office Action. Applicants respectfully submit that amended claim 19, and claims 20-22, which depend from claim 19, fully comply with 35 U.S.C. §112, second paragraph, and respectfully request that the rejection to claims 19-22 be withdrawn.

35 U.S.C. §102(e) Rejections

In the Office Action, claims 1-7, 9-13, and 16-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Lowe et al. (US 2004/0093073). Applicants respectfully traverse this rejection.

Independent claim 1 recites an intraluminal stent device that includes two or more elements aligned to form adjacent elements. As recited by claim 1, each element has a similar pattern of undulations forming peaks and valleys, "said pattern being formed from a repeating series including a long segment connecting with a first peak turn, said first peak turn being defined by a single turn radius, said first peak turn connecting with a first mid-sized segment, said first mid-sized segment connecting with a first valley turn, said first valley turn connecting with a short segment, said short segment connecting with a second peak turn, said second peak turn connecting with a second mid-sized segment, said second mid-sized segment connecting with a second valley turn, said second valley turn connecting with a long segment of a similar adjacent series." Lowe et al. does not disclose or suggest all of the features of claim 1.

Lowe et al. teaches the use of foot extensions (40a, 40b) that extend between at least one pair of circumferentially-adjacent strut members. *See* Lowe et al. at Abstract and FIGs. 23-24. As shown in the Figures, the foot extensions (40a, 40b) are not defined by a single turn radius. As such, Lowe et al. does not disclose or suggest an intraluminal stent that includes all of the features of claim 1.

Accordingly, Applicants respectfully submit that claim 1 and the claims that depend from claim 1 are patentable over Lowe et al., and respectfully request that the rejection to claims 1-7 and 9 be withdrawn.

Independent claim 10 recites an intraluminal stent device that includes “two or more elements, each element having undulations forming peaks and valleys formed from a repeating series including a long segment, a first mid-sized segment, a short segment, and a second mid-sized segment, each connected by hairpin turns, each hairpin turn being defined by a single turn radius.” Lowe et al. does not disclose or suggest all of the features of claim 10.

Lowe et al. is discussed above. In the embodiments that are disclosed in FIGs. 23 and 24, foot extensions (40a, 40b) connect some of the segments. *See* Lowe et al. at FIGs. 23 and 24. As such, each of the segments are not connected by a hairpin turn being defined by a single turn radius, as recited by claim 10.

Accordingly, Applicants respectfully submit that claim 10 and the claims that depend from claim 10 are patentable over Lowe et al., and respectfully request that the rejection to claims 10-13, and 16-18 be withdrawn.

Independent claim 19 recites an intraluminal stent device that includes two or more elements. As recited by claim 19, “each element having undulations forming peaks and valleys formed from a repeating series including a long segment connecting with a first peak turn, said first peak turn connecting with a first mid-sized segment, said first mid-sized segment connecting with a first valley turn, said first valley turn connecting with a short segment, said short segment connecting with a second peak turn, said second peak turn connecting with a second mid-sized element, said second mid-sized segment connecting with a second valley turn, said elements are aligned longitudinally such that said long segments of a first element overlaps said short segments of a second adjacent element, wherein a connecting member spans between one of said long segments of said first element and one of said long segments of said second adjacent element in a radial direction.” Lowe et al. does not disclose or suggest all of the features of claim 19.

Lowe et al. is discussed above. In the embodiments disclosed in FIGs. 23 and 24, the “long segment” as defined by the Examiner of one annular element (10) at best overlaps a “mid-sized segment” as defined by the Examiner. None of the embodiments of Lowe et al. discloses or suggest a long segment on one element overlapping a short segment of an adjacent element, as recited by claim 19. In addition, all of the connections between adjacent elements of Lower et al., including the embodiments shown in FIGs. 11 and 12 and relied on by the

Examiner, connect segments in a longitudinal direction, and not a radial direction, as recited by claim 19.

Accordingly, Applicants respectfully submit that claim 19 and the claims that depend from claim 19 are patentable over Lower et al., and respectfully request that the rejection to claims 19-22 be withdrawn.

35 U.S.C. §103(a) Rejections

In the Office Action, claims 8, 14, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lowe et al. in view of Orth et al. (US 5,591,197). Applicants respectfully traverse this rejection.

Claim 8 depends from claim 1 and adds additional advantageous features. Claims 14 and 15 depend from claim 10 and each add additional advantageous features. As discussed above, claims 1 and 10 are patentable over Lowe et al. Applicants respectfully submit that a *prima facie* case of obviousness has not been made by the Examiner.

First, Applicants respectfully submit that there would be no motivation to replace the foot extensions of Lowe et al. with the turns of Orth et al., because it is the foot extensions of Lowe et al. that provide the stents described therein with improved performance characteristics. *See* Lowe et al. at paragraph [0002]. As such, there would be absolutely no motivation to replace such foot extensions with turns that are defined by a single turn radius.

Accordingly, Applicants respectfully submit that claims 8, 14, and 15 are patentable over Lowe et al. in view of Orth et al., and respectfully request that the rejection to claims 8, 14, and 15 be withdrawn.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. §1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

/Catherine C. Maresh, Reg. No. 35,268/
Catherine C. Maresh
Registration No. 35,268
Attorney for Applicant

Medtronic Vascular, Inc.
3576 Unocal Place
Santa Rosa, CA 95403
Facsimile No.: (707) 543-5420